The Planning Inspectorate

Appeal Decision

Site visit made on 11 August 2020

by Alison Scott BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8th September 2020

Appeal Ref: APP/G2713/W/20/3252557
Land adjacent 53 Water End, Brompton North Yorkshire

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr & Mrs C Potter against the decision of Hambleton District Council.
- The application Ref 19/01254/FUL, dated 6 June 2019, was refused by notice dated 20 November 2019.
- The development proposed is Erection of detached dwellinghouse.

Decision

1. The appeal is dismissed.

Procedural Matters

2. No site address has been referenced within the Council's planning application form. The address is therefore derived from the decision notice.

3. The site location plan includes the site on Fullicar Lane, however it is described in all correspondence as Water End and confirmed by the appellants as such.

4. The description of the proposal has been amended by the Council and described as 'Construction of a detached dwellinghouse and double garage'. I concur that this accurately describes the proposal before me.

Main Issues

5. The main issues are:

   - The effect of the proposal on flood risk; and
   - The effect of the proposal on the character and appearance of the area and the Brompton Conservation Area (CA).

Reasons

6. The appeal site is partially located within the Brompton Conservation Area, characterised for its formation of development along the line of the Brompton Beck that runs through the village, and an important contribution to the character of the area. The houses on Water End are divided on both sides by Brompton Beck with houses either abutting the pavement or set back behind perimeter boundaries.

7. The outlook from dwellings is onto the pleasant and informal green banks of the Beck, with a vehicular and pedestrian bridge across as well as a ford.

8. The appeal site is part of a wider agricultural field that forms a gap between the dwellings of No. 53 Water End and the dwellinghouse of Rosedene House, and extends beyond the rears of both. Other traditional buildings including a workshop garage, a cow shed and milking parlour are located adjacent to the appeal site behind No. 53. A strong landscaping belt screens the site from the road.

9. The dwellings close to the appeal site are varied in design with broadly speaking, traditional terraces, farmhouse style two storey houses, modest bungalows or more modern dwellings that retain the character of the area. Unifying elements of the buildings are that the dwellings are located close to and front onto the lane, have pitched roofs, chimney stacks and are closely associated with the existing vernacular of the village.

Flood Risk

10. The appeal site is located in Flood Zones 1, 2 and 3. The probability of the risk of flooding in Flood Zone 2 is medium and within Flood Zone 3 is at a high probability of flooding. A 'more vulnerable' class of development according to the Planning Practice Guidance (PPG) are buildings used for residential dwellings. The PPG emphasises the requirement to direct this type of development to areas within Flood Zone 1 at lower risk of flooding. The main dwelling would be located on higher land within Flood Zone 1. The front garden and access into the site would be located within both Flood Zones 2 and 3.

11. Whilst the appeal site is green field at present, the majority of the site would remain undeveloped as garden land, with permeable surface treatment proposed to the driveway into the site.

12. I am aware that the Environment Agency has raise no objections to the proposal, however I am also conscious that no sequential test has been undertaken as is a requirement of the National Planning Policy Framework (the Framework) in order to steer new development to areas at lower risk of flooding.

13. The Flood Risk Assessment submitted with the appeal explains that the storage of surface water run-off post development would be stored and managed on site via underground storage, large size drainage pipes and water butts and that greenfield run off rates achieved at the site would be managed in underground crates, and I find no reason to disagree with the content of the information before me. I therefore find that the proposal would not result in flooding occurring elsewhere.

14. Although the dwelling could be made flood resilient as far as is practically possible with floor levels raised above the 1 in 100 year flood event, however, in the event of flooding, the majority of the appeal site would be located in Flood Zone 3, with the day to day access into and out of the site through Flood Zone 3.

15. Apart from the appellant's commitment to register with Floodline Warning, and evacuating to higher land behind the site, there is limited evidence presented within the appeal regarding an evacuation strategy. There is a genuine risk to the safety of occupiers of the proposal and visitors. The appellants intends to

rely on emergency services accessing the site from the main road or for this to occur from the higher land to the north.

16. There is evidence presented to me of the road into the site flooding and the road has been impassable due to flood levels. This is not disputed by the appellants. The most recent event has been in 2012 and I consider this to be in recent times. Whilst there may be land to the rear of the site to evacuate to, however this would not be the most circuitous or immediately obvious route to access for emergency vehicles, with a high reliance on a helicopter evacuation to occur.

17. Regardless of the number of times flooding has occurred, or the number of hours the road has been blocked, and irrespective of the more recent water levels presented by the appellants, serious flooding conditions have occurred close to the site. The implications of flooding of the site and the road into it would result in a high reliance on the emergency services to rescue occupiers. This would place undue and unnecessary strain on their resources. There is no evidence before me to justify why a dwelling should be allowed at the site where a large proportion of it is located within Flood Zone 3, and accessed via a road that is known to flood.

18. I have taken account of the information before me and do not find in favour of the proposal with respect to its effect on flood risk. The proposal would be contrary to the Hambleton Local Development Framework, Development Policies 2008, Policies CP21 and DP43 in their aims for development to ensure it does not adversely affect communities and the environment with particular regard to flood risk. It would also be contrary to the Framework in its approach to direct development to areas with the lowest risk of flooding.

Character and Appearance

19. Due to the flood constraints of the site, the dwelling is proposed to be located towards the rear of it. It has been designed as a modern interpretation of a barn and this is evidenced by the examples of barns provided within the appellant's Design and Access Statement. I understand that this design solution was sought by the appellants as it would form a close resemblance to an agricultural barn that would be typical in the area.

20. As the site is located close to the CA, the Framework advises that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance. Paragraph 193 of the Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation and the more important the asset, the greater the weight should be. The Framework also acknowledges the contribution made by the setting. Harm to or loss of the significance of a designated heritage asset from its alteration or destruction, or from development within its setting requires clear and convincing justification.

21. Also, in accordance with the statutory duty set out in Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I have paid special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area.

22. There is a tight pattern of development to the west of the appeal site which becomes looser in grain after the detached house of Rosedene. From the east, dwellings are positioned within a slightly more irregular pattern. However there are no examples of the positioning of dwellings as far back into the site as the proposal within close quarters of the appeal site.

23. The proposed front building line whilst irregular, would be positioned significantly behind the rear elevation of the adjacent residential terrace, and also behind the rear elevation of Rosedene. The building in this position would not relate or connect with the street scene due to the significant separation distance.

24. Furthermore, there are no barns or other buildings located within this field to relate to. There is a workshop and a domestic garage positioned either side of the appeal site, however these are closely associated with other existing built development outside the appeal site. This development would be a new build and would appear as a contrived, visually discordant and out of character feature in this location.

25. The proposal would not harmonise with the street scene of more traditional style dwellings. It would thus appear as an incongruous unsympathetic form of development, harmful to the character and appearance of the area.

26. As the setting of the CA is relevant, the proposal would also fail to preserve or enhance the character and appearance of the conservation area. The proposed development would not conserve the heritage assets in a manner appropriate to its significance in line with one of the core planning principles of the Framework. It would result in less than substantial harm arising to the significance of the designated heritage assets with no public benefits cited to outweigh the harm.

27. It would thus conflict with the Hambleton Local Development Framework Core Strategy 2007 Policies CP16 and CP17 in their aims to preserve, respect and enhance the District's assets and historic environment. It would also run contrary to the Hambleton Local Development Framework, Development Policies 2008, Policy DP28 in its objectives to protect the setting of a CA and Policy DP32 for development to respect local character and distinctiveness. Finally, it would run contrary to advice contained within the Framework to conserve and enhance the historic environment.

Other Matters

28. Issues brought to my attention regarding the proposals effect on the living conditions of local residents is noted, and well as the Hambleton Character Assessment and Sensitivity Study, and landscaping of the site potentially altering land levels, sewerage and the resultant health and safety implications. However, as I am dismissing the appeal, it is not necessary for me to comment upon these matters.

29. Another development at Danes Crescent has been brought to my attention by the appellants. This site was granted approval for housing within Flood Zones 2 and 3. The Council confirms that this development was approved due to less of the area located in Flood Zone 3 with acceptable access through Flood Zone 2. I do not consider this proposal is comparable to the appeal before me.

30. There are complexities for the appellant of funding the development elsewhere within the plot, however this is not within my remit to comment.

Conclusion

31. I have found that the proposal would not result in flooding away from the site, however I have found that the area is at risk of flooding and there is no safe means of escape from the proposed dwelling, and that harm would arise to character and appearance of the area and the setting of the Brompton CA. Having considered all matters before me, the appeal is dismissed.

Alison Scott

INSPECTOR